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HOUSE BILL NO. 735**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on General Laws
on February 9, 2010)

(Patron Prior to Substitute—Delegate Albo)

*A BILL to amend and reenact § 36-96.18 of the Code of Virginia, relating to the Fair Housing Law; civil action; enforcement by private parties.***Be it enacted by the General Assembly of Virginia:****1. That § 36-96.18 of the Code of Virginia is amended and reenacted as follows:**

§ 36-96.18. Civil action; enforcement by private parties.

A. An aggrieved person may commence a civil action in an appropriate United States district court or state court not later than two years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this chapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

B. An aggrieved person may commence a civil action under ~~§ 36-96.18~~ *subsection A* no later than 180 days after the conclusion of the administrative process with respect to a complaint or charge, or not later than two years after the occurrence or the termination of an alleged discriminatory housing practice, whichever is later. This subsection shall not apply to actions arising from a breach of a conciliation agreement. An aggrieved person may commence a civil action under this section whether or not a complaint has been filed under § 36-96.9 and without regard to the status of any such complaint. If the Board or a federal agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this section by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

C. In a civil action under subsection A, if the court or jury finds that a discriminatory housing practice has occurred or is about to occur, the court or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages, without limitation otherwise imposed by state law, and the court may award reasonable ~~attorney's attorney~~ fees and costs, and subject to subsection ~~DE~~, may grant as relief, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice or order such affirmative action as may be appropriate.

D. *Notwithstanding the provisions of subsection C, no fair housing organization or civil rights organization may recover any damages or costs or seek any other relief against a private individual owner who (i) comes within the exemption provided by subsection A of § 36-96.2 and (ii) is renting a room in a shared living space or a separate living unit within the single-family house in which the owner resides or such house's curtilage for an alleged discriminatory notice, statement, or advertisement.*

E. Relief granted under subsection C shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving bona fide purchasers, encumbrancer or tenant, without actual notice of the filing of a complaint with the Board or civil action under this chapter.

~~E.F.~~ Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon intervention, the Attorney General may obtain such relief as would be available to the private party under subsection C.